

STATE OF MICHIGAN  
COURT OF APPEALS

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*In re* P. D. BURM, Minor.

UNPUBLISHED  
December 15, 2015

No. 328070  
Branch Circuit Court  
Family Division  
LC No. 14-005118-NA

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Before: RONAYNE KRAUSE, P.J., and MARKEY and M. J. KELLY, JJ.

PER CURIAM.

Respondent father appeals by right the trial court's order terminating his rights to the minor child under MCL 712A.19b(3)(c)(i) and (g).<sup>1</sup> Because we conclude that the trial court did not err in terminating respondent's parental rights, we affirm.

Respondent challenges the trial court's findings regarding the statutory grounds for termination and the minor child's best interests. This Court reviews for clear error a trial court's factual findings in terminating parental rights, including a finding that a ground for termination has been established and that termination is in a child's best interests. MCR 3.977(K); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

To terminate parental rights, a trial court must find that the petitioner has established a statutory ground for termination by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Here, the trial court found statutory grounds for terminating respondent's parental rights under MCL 712A.19b(3)(c)(i) and (g).

With respect to MCL 712A.19b(3)(g), the evidence showed that respondent had a history of substance abuse and incarceration for various offenses because of his substance abuse. During this case, respondent was referred to drug and alcohol screens, a substance abuse assessment, a psychological evaluation, Alcoholics Anonymous, a grief support group, substance abuse group therapy, and the Fatherhood Involvement Program. Respondent participated in many of the services. But he frequently tested positive for alcohol and tested positive for cocaine a few times. There was specific testimony that respondent did not appear for drug tests

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<sup>1</sup> Respondent argues that the trial court erred in finding a statutory ground for termination under MCL 712A.19b(3)(c)(ii). However, it does not appear that the trial court relied on that ground.

in October 2014, and that respondent tested positive for alcohol in November 2014. More importantly, respondent himself acknowledged that on Halloween 2014, he drank alcohol and wrecked a car belonging to the minor child's mother. Because of the Halloween 2014 incident, respondent was incarcerated.

A parent's mere participation in services is insufficient to avoid termination; rather, a parent must demonstrate sufficient compliance with and benefit from services to address the problem targeted by those services. *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012). Respondent did not demonstrate that he sufficiently benefitted from services to address his substance abuse and his resulting inability to care for the minor child. Given the minor child's age (approximately four at the time of the order), the amount of time she had already spent in foster care (over a year), the amount of time she would have to wait for respondent, and the fact that respondent's future success was a remote possibility, the trial court did not clearly err in finding that there was no reasonable expectation that respondent would be able to provide proper care and custody within a reasonable time considering the child's age. MCL 712A.19b(3)(g); *Trejo Minors*, 462 Mich at 356-357. Because only one statutory ground for termination need be established, *Trejo Minors*, 462 Mich at 360, we decline to address whether termination was also warranted under MCL 712A.19b(3)(c)(i).

After a trial court has established a statutory ground for termination by clear and convincing evidence, the trial court shall order termination of parental rights if it finds by a preponderance of the evidence "that termination of parental rights is in the child's best interests[.]" MCL 712A.19b(5); see *In re Moss*, 301 Mich App 76, 90; 836 NW2d 182 (2013). In this case, the trial court found that it was in the minor child's best interests to terminate respondent's parental rights because the child needed stability. This finding was supported by the record, and the trial court properly considered it. *In re Olive/Metts Minors*, 297 Mich App 35, 41-42; 823 NW2d 144 (2012). The trial court did not clearly err in finding that termination of respondent's parental rights was in the minor child's best interests. MCL 3.977(K); *Trejo Minors*, 462 Mich at 356-357.

Affirmed.

/s/ Amy Ronayne Krause

/s/ Jane E. Markey

/s/ Michael J. Kelly